Notice of Allowability	Application No. 09/866,425	Applicant(s) VILCAUSKAS ET AL.	
	Examiner Luke S. Wassum	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Applicants' amendment filed 6 August 2007 and supplemental amendment filed 17 August 2007*.

2. ☒ The allowed claim(s) is/are *21-42*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

 * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Luke S. Wassum
Primary Examiner
Art Unit 2167

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 10/27/07;10/30/07;10/31/07.

DETAILED ACTION

Response to Amendment

1. The Applicants' amendment, filed 7 August 2007, as well as the Applicants' supplemental amendment, filed 17 August 2007, have both been received, entered into the record, and considered.

2. As a result of the amendments, claims 21, 31 and 41 have been amended. Claims 1-20 have been previously canceled. Claims 21-42 remain pending in the application.

Priority

3. The Applicants' claim to domestic priority under 35 U.S.C. §119(e), to provisional application 60/207,698, filed 26 May 2000, is acknowledged. Since the subject matter of the parent provisional application encompasses that of the instant application and claims, a priority date of 26 May 2000 is hereby established.

The Invention

4. The claimed invention is drawn to a method of presenting advertisements in a computer system through the use of popunder windows. Alternative claimed

embodiments are implemented in other media, such as a PDA, telephone and television.

Information Disclosure Statement

5. The Applicants' Information Disclosure Statements, filed 27, 30 and 31 August 2007, have been received and entered into the record. However, since the IDSs do not fully comply with the provisions of MPEP § 609, not all of the references cited therein have been considered by the examiner.

Regarding the IDS filed 27 August 2007, U.S. Patent 6,248,964 was not considered, since the inventor of this patent does not correspond to the inventor listed on the IDS. Korean patent KR 97-78058 was not considered, since not even an English language abstract was submitted, only the native Korean language patent; there was essentially nothing to consider. The Georgia document was not considered, because only the first page of the article was submitted.

See attached forms PTO-1449.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kurt Rohlfs on 17 October 2007.

The application has been amended as follows:

-- 21. A system for Internet advertising capable of simultaneously maintaining a foreground window and at least one background window and capable of displaying a first browser in a said foreground window for selectively browsing the Internet, said system comprising:

(a) a device that interacts with a display to display to a user at least one browser, each said at least one browser within a respective window;

(b) a script handler that invokes a post-session procedure in said first browser, said post-session procedure opening a second browser in a said background window such that said opening is free from said background window obscuring any portion of

said foreground window while said first browser is simultaneously displayed in said foreground window; and

(c) an event handler that receives, from an Internet address, a link to an advertisement and loads said advertisement into said second browser while said second browser is in a said background window, said event handler maintaining said second browser in said background window until the occurrence of a user-initiated action made after said second browser is opened in said background window, said event handler being free from instructions capable of automatically, without user interaction, causing said second browser in said background window to replace said first browser as said foreground window such that said first browser is then maintained in a background window at least partially behind said second browser, during a time interval beginning incrementally before said advertisement has completely finished loading in said second browser and ending at a time incrementally after a user action navigates said first browser to a different web site than that loaded in said first browser when said event handler received said advertisement. --

-- 31. A post-session advertising method for use in a media capable of simultaneously maintaining a background window and a foreground window, said method comprising the steps of:

(a) embedding post-session instructions into a first browser, said first browser for being displayed in said foreground window;

(b) said post-session instructions opening a second browser in said background window such that said opening is free from said background window obscuring any portion of said foreground window while said first browser is being displayed in said foreground window;

(c) said post-session instructions receiving, from an Internet address, a link to an advertisement; and

(d) loading said advertisement into said second browser while said second browser is in said background window, wherein said post-session instructions are free from instructions capable of automatically, without user interaction, causing said second browser in said background window to replace said first browser as said foreground window such that said first browser is then maintained in a background window at least partially behind said second browser, during a time interval beginning incrementally before said advertisement has completely finished loading in said second browser and ending at a time incrementally after a user action navigates said first

browser to a different web site than that loaded in said first browser when said event handler received said advertisement. --

-- 41. A system for Internet advertising capable of simultaneously maintaining a foreground window and at least one background window and capable of displaying a first browser in a said foreground window for selectively browsing the Internet, said system comprising a device that interacts with a display to display to a user at least one browser, each said at least one browser within a respective window, and a script handler that invokes a post-session procedure in said first browser, said post-session procedure opening an advertisement in a second browser and maintaining said second browser in a said background window while said first browser is simultaneously displayed in said foreground window, said post-session procedure being free from instructions capable of automatically, without user interaction, causing said second browser in said background window to replace said first browser as said foreground window such that said first browser is then maintained in a background window at least partially behind said second browser, during a time interval beginning incrementally before said advertisement has completely finished loading in said second browser and ending at a time incrementally after a user action navigates said first

browser to a different web site than that loaded in said first browser when said event handler received said advertisement. --

7. The following is an examiner's statement of reasons for allowance:

The present invention is system and method for Internet advertising, wherein a first browser is maintained within a foreground window, a second browser is opened within a background window, and advertisement is loaded into the second browser, and said background window is moved to the foreground upon detection of a user-initiated action by an event handler (alternately a post-session procedure or post-session instructions).

The closest prior art of record, **Werkhoven** (WIPO Publication WO/1999/59097) teaches a system for providing push delivery of Internet advertisements, wherein a popup window is opened in the background, content is loaded into the popup window, and upon the completion of content loading, the popup window is moved to the foreground (see page 3, lines 7-10; see also drawing Figure 1).

However, **Werkhoven** fails to anticipate or render obvious the recited feature of an event handler/post-session procedure/post-session instructions which is/are free from instructions capable of automatically, without user interaction, causing said second browser in said background window to replace said first browser as said foreground window such that said first browser is then maintained in a background window at least partially behind said second browser, during a time interval beginning incrementally before said advertisement has completely finished loading in said second browser and ending at a time incrementally after a user action navigates said first browser to a different web site than that loaded in said first browser when said event handler received said advertisement, as in independent claims 21, 31 and 41.

This feature, together with the other limitations of the independent claims are novel and non-obvious over the prior art of record. The dependent claims 22-30, 32-40 and 42, being definite, enabled by the specification, and further limiting to the independent claim, are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McAuliffe et al. (U.S. Patent 5,838,790) teaches a system for authenticating that advertisements are properly displayed at a remote computer.

Marsh et al. (U.S. Patent 5,848,397) teaches a method for scheduling the presentation of a continuously-changing display for use in an advertisement-supported e-mail service.

van Hoff et al. (U.S. Patent 5,959,623) teaches a method for displaying user selectable advertising information on a host computer.

Moraes (U.S. Patent 6,014,502) teaches a system for providing scheduled messages to a remote user in a batch oriented system.

Marsh et al. (U.S. Patent 6,876,974) teaches an advertisement display scheduler which receives advertisements from a server system over a network.

Marsh et al. (International Publication WO 97/40447) teaches a method for scheduling the presentation of a continuously-changing display for use in an advertisement-supported e-mail service.

Werkhoven (International Publication WO 02/25507) teaches a system for delivering push-content, in the form of advertising, via electronic mail.

Foreshew ("Nifty Ads Popping Up on Big Pond") teaches Netbreak's pop-up style delivery of web-based advertisements.

Foreshew ("ISP's Anzwers Seeking Questions") teaches Ozemail, an Internet advertising delivery system.

Herceg ("Internet Futures: The Death of the Banner Ad") teaches NetBreak, a system for delivering rich media over web sites with a minimum of user annoyance and maximum impact for advertisers.

Needham ("Ads Now in Top 10: Whether You Like It or Not") teaches Netbreak's rank of ninth in Media Metrix's to 10 sites for March 2000.

Australasian Business Intelligence ("Netbreak Beats Banners") teaches the success of the Netbreak system.

Rumble ("Netbreak Offers Pop-Up E-Mail") teaches the expansion of the Netbreak system into the email environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119. Such communications must be clearly marked as INFORMAL, DRAFT or UNOFFICIAL.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (571) 273-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luke S. Wassum
Primary Examiner
Art Unit 2167

lsw
17 October 2007